

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 04, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DAVID PARKS, an individual, and  
THERESA PARKS, an individual,  
Plaintiffs,  
v.  
PAUL MILLER, an individual,  
Defendant.

No. 2:23-CV-00225-SAB

**ORDER GRANTING MOTION  
TO ALTER JUDGMENT**

Before the Court is Plaintiffs' Motion to Alter Judgment, ECF No. 38. Plaintiffs are represented by Matthew A. Mensik and Casey M. Bruner. Defendant is pro se. The motion was considered without oral argument.

After reviewing the briefs, caselaw, and record, the Court finds good cause to **grant** Plaintiffs' motion.

**LEGAL FRAMEWORK**

Fed. R. Civ. P. 59(e) provides that a party may file to alter or amend a judgment "no later than 28 days after the entry of judgment." "Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). A court can determine it made a clear error when after reviewing the entire record it is "left with the definite and

**ORDER GRANTING MOTION TO ALTER JUDGMENT #1**

1 firm conviction that a mistake has been committed. *United States v. U.S. Gypsum*  
2 *Co.*, 333 U.S. 364, 395 (1948).

### 3 ANALYSIS

4 On August 22, 2024, the Court granted partial summary judgment in favor  
5 of Plaintiffs. ECF No. 27. The Court noted that Plaintiffs suffered damages of  
6 \$200,000 and were seeking a judgment in that amount plus attorneys' fees and  
7 interest. *Id.* On September 11, 2024, the Court dismissed the remaining claims and  
8 directed the Clerk of the Court to enter judgment and close the file. ECF No. 34.  
9 However, the filed Judgment did not include the award of the principle amount,  
10 interest, or attorneys' fees. ECF No. 35. Plaintiffs now move the Court to alter its  
11 Judgment to include the requested monetary damages including attorneys' fees and  
12 interest.

13 Pursuant to Fed. R. Civ. P. 59(e), the Court **grants** Plaintiffs' Motion to  
14 Alter Judgment and directs the Clerk of the Court to enter an amended judgment  
15 including the principal amount and interest. Failure to include these amounts in the  
16 Judgment was "clear error" on the part of the Court. *ACandS*, 5 F.3d at 1263.

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28 Accordingly, **IT IS HEREBY ORDERED:**

**ORDER GRANTING MOTION TO ALTER JUDGMENT #2**

1           1.       Plaintiffs' Motion to Alter Judgment, ECF No. 38, is **GRANTED**.  
2 The Judgment is amended as follows:

- 3           a.       Plaintiff shall recover from Defendant \$238,723.29, which  
4                   includes a principal judgment in the amount of \$200,000 and  
5                   prejudgment interest at the rate of 12 percent per annum in the  
6                   amount of \$38,723.29, plus post-judgment interest at the rate of  
7                   4.22 percent per annum, along with costs.

8           **IT IS SO ORDERED.** The Clerk of Court is hereby directed to file this  
9 Order, amend the Judgment, close the file, and provide copies to counsel and to pro  
10 se Defendant.

11           **DATED** this 4th day of November 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

18                   Stanley A. Bastian  
19                   Chief United States District Judge  
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